

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE:

PHILIP JAY BERG,

Appellant

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Bankruptcy Appeal Case No. 09-2803

APPELLANT’S RESPONSE TO THIS COURT’S ORDER TO SHOW CAUSE

COMES NOW Appellant, Philip J. Berg [hereinafter “Appellant”] and files the within Response to this Court’s Order to Show Cause Why his Appeal should not be Dismissed for Failure to Timely File his Brief. In support hereof, Appellant avers as follows:

1. Appellant is an Attorney licensed to practice law in the State of Pennsylvania. However, Appellant has only handled a few bankruptcies and is not familiar with the bankruptcy laws.
2. Appellant had an attorney, David Scholl, Esquire for his entire Bankruptcy, that is from 2005 when his Bankruptcy was first filed, Case No. 05-39380-DWS, until 2009 when David Scholl, Esquire withdrew from Appellant’s bankruptcy due to his retirement. Thereafter, Appellant has proceeded on his own behalf.
3. Appellant has been suffering severe medical complications, including but not limited to heart complications and two (2) tumor type lumps in his abdomen, causing severe pain for which he is on pain medications.

4. Appellant has been sent for numerous medical appointments that have led to ongoing tests as a result of his medical complications.

5. Appellant has had to undergo Ultra Sound and CAT Scan and other testing for diagnostics of his medical complications.

6. On October 26, 2009, Appellant was sent for some immediate cardiac tests as his EKG came back abnormal. It was found that Appellant suffers complications with one of his heart valves. In addition two (2) tumor type lumps were located in his abdomen area, which have been causing Plaintiff's Counsel severe pain requiring daily pain medication. Appellant was hospitalized on October 28, 2009 having further testing performed.

7. Appellant has been instructed by his Medical Professionals that further cardiac testing must be performed, as well as further testing for the tumor type lumps located in his abdomen that requires surgery, but cannot be performed until he receives clearance from his cardiologist. Appellant had a Colonoscopy and an Echo-cardiogram. Appellant was then sent for another Cardiac test, which was a Nuclear Treadmill Stress Test on January 6, 2010.

8. Appellant was not able to and has not been able to perform all of the legal work in his office for this and other cases.

9. In mid-February, Appellant received clearance for surgery from his cardiologist and is now waiting for a date for surgery.

10. There are important issues to be resolved in this appeal and Appellant does not have any other means for redress.

11. The late filing of Appellant's Brief will not prejudice Appellee.

12. For the above aforementioned reasons, Appellant respectfully requests this Court **not** to dismiss his appeal and to accept the late filing of Appellant's Brief, being filed concurrently with this response.

Respectfully submitted,

Dated: March 8, 2010

s/ Philip J. Berg

Philip J. Berg, Esquire

Appellant in pro se

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the Appellant's Response to the Court's Order to Show Cause was served this 8th day of March 2010 electronically to the following:

Terry P. Dershaw – By First Class Mail with Postage fully prepaid
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s/ Philip J. Berg

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